

**IN THE COURT OF THE ADDL.DISTRICT JUDGE-II, KASARAGOD**

Present: Smt. Priya.K, Additional District Judge-II, Kasaragod

Monday, the 16<sup>th</sup> day of June, 2025/26<sup>th</sup> Jyaishta 1947

**I.A.No.01 OF 2025 IN O.P.No. 41/2020**

Between:-

The Competent Authority, GAIL  
(India) Limited, Revenue Tower,  
Park Avenue, Kochi,  
Ernakulam-683503, Kerala,  
Rep. by its Deputy General Manager  
Prince Lorange.

Applicant/Respondent  
No.1

And

1. A.Gopalakrishna Shanbogue,  
aged 75 years,  
S/o A Subraya Shanbogue (late),  
Residing at Barikad House,  
Muttathody Post and Village in  
Kasaragod Taluk, Kasaragod.  
PIN 671123
2. The Union of India  
Rep.by Secretary Ministry of P &G ,  
Shastri Bhyavan, New Delhi 110001
3. State of Kerala,  
Rep.by District Collector, Civil Station  
Vidyanagar Post,  
Kasaragod Taluk and District - 671123

Respondents/Petitioner/  
Respondents No.2 and 3

Application filed by the petitioner Under Order IX Rule 7 and  
Section 151 of Civil Procedure Code.

Petition filed on : 31.05.2025

Court fee paid : ₹ 25/-

This petition coming on this day for hearing before me in the presence of S/Sri.Nived.K.N. and Sruthi Chandran, Advocates for the Applicant; of Sri.Suresh K.P., Advocate for the 1<sup>st</sup> Respondent; Sri.Chandramohan.G., Addl. Government Pleader for the 3<sup>rd</sup> Respondent; and 2<sup>nd</sup> Respondent is not entered in appearance; the court passed the following:

### **ORDER**

This petition is filed to set aside exparte order against Respondent No.1.

Affidavit in brief is that, When the case was posted for appearance of petitioner he entrusted his counsel. But there was no representation for him and he was set exparte. Now on enquiry he understood that the date was mistakenly taken by the counsel. The non appearance of petitioner was not willful.

Respondent filed counter contending that even if Original Petition was posted for steps for several times and IA 01/2023 was filed to cause production of document by the petitioner, he failed to produce documents. Petitioner adduced evidence but respondent No.1/Petitioner in this IA failed to adduce any evidence when the case is posted for evidence. This petition is filed to set aside the exparte order against 1<sup>st</sup> respondent. Now this petition is filed to set aside the exparte order. Respondents prayed for dismissal of the petition with cost.

Heard both side .

Learned counsel for the petitioner submitted that exparte order may be set aside.

Learned counsel for respondents submitted that this is a part of delay tactics by respondent.

On hearing both side and on perusal of case records it is found that 1<sup>st</sup> respondent was continuously absent for several occasions and he was set exparte afterwards. Now 1<sup>st</sup> respondent/petitioner wanted to contest the case. All cases has to be adjudicated on merits. But the petitioner in the OP who is respondent will face inconvenience if the OP is not disposed on merits with in a time period. So it is only to be held that petitioner had made out a sufficient cause for setting aside the exparte order. But for the inconvenience caused to petitioner, in OP respondent No.1 had to pay cost.

In the result petition is allowed on payment of cost of ₹3,000/-(Rupees Three thousand only) by the petitioner to Respondent No.1 on or before 26.06.2025 or else this petition will stand dismissed. Call on 27.06.2025

Pronounced by me in open Court, this the 16<sup>th</sup> day of June, 2025

Sd/-

**ADDITIONAL DISTRICT JUDGE-II,  
KASARAGOD**

***//True Copy//***

**SHERISTADAR**

Copy of Order  
in I.A.No.01/2025  
in O.P. No.41/2020  
Dated: 16.06.2025